

# Senate Study Bill 1110 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

## A BILL FOR

1 An Act relating to vehicular transportation for students and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 257.31, subsection 17, paragraph d, Code  
2 2011, is amended to read as follows:

3 d. Funds transferred to the committee in accordance with  
4 section 321.34, subsection 22, are appropriated to and may  
5 be expended for the purposes of the committee, as described  
6 in this section, and to contract for geospatial research on  
7 transportation issues affecting school district reorganization  
8 and school bus routing. ~~However, highest priority shall be~~  
9 ~~given to districts that meet the conditions described in this~~  
10 ~~subsection.~~ Notwithstanding any other provision of the Code,  
11 unencumbered or unobligated funds transferred to the committee  
12 pursuant to section 321.34, subsection 22, remaining on June  
13 30 of the fiscal year for which the funds were transferred,  
14 shall not revert but shall be available for expenditure for the  
15 purposes of this subsection in subsequent fiscal years.

16 Sec. 2. Section 285.9, Code 2011, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 5. Review and resolve all transportation  
19 disputes between districts as provided in section 285.12A.

20 Sec. 3. NEW SECTION. **285.12A Disputes between districts.**

21 In the event of a dispute between school districts regarding  
22 transportation, the area education agency board shall review  
23 and resolve the dispute. If the parties to the dispute are  
24 located in more than one area education agency, the area  
25 education agency in which the party to the dispute with the  
26 greatest certified enrollment is located shall be the reviewing  
27 agency. In resolving disputes between districts, the reviewing  
28 agency board shall, after receiving all facts, make alterations  
29 or changes as necessary to make the arrangements, designations,  
30 and contracts conform to the legal and established requirements  
31 and shall notify each affected local school board of the  
32 decision. A party to the dispute may appeal the decision of  
33 the agency board to the director of the department of education  
34 in the manner provided in section 285.12 for appealing a  
35 decision of an agency board. The decision of the director

1 shall be subject to judicial review in accordance with chapter  
2 17A.

3 Sec. 4. Section 321.1, subsection 69, paragraph d, Code  
4 2011, is amended to read as follows:

5 d. Designed to carry not more than nine persons as  
6 passengers, either school owned or privately owned, which  
7 are used to transport pupils to activity events in which the  
8 pupils are participants or used to transport pupils to their  
9 homes in case of illness or other emergency situations. The  
10 vehicles operated under the provisions of this paragraph  
11 shall be operated by employees of the school district who are  
12 specifically approved by the local superintendent of schools  
13 for the assignment and, if applicable, shall conform to the  
14 minimum vehicle safety inspection standards for school buses,  
15 as prescribed in rules adopted by the state board of education.

16 Sec. 5. Section 321.373, subsection 1, Code 2011, is amended  
17 to read as follows:

18 1. Every school bus ~~except private passenger vehicles used~~  
19 ~~as school buses~~ or other vehicle used to transport pupils  
20 to activity events pursuant to section 321.1, subsection  
21 69, paragraph "d", unless privately owned and not operated  
22 for compensation, shall be constructed and equipped to meet  
23 safety standards prescribed in rules adopted by the state  
24 board of education. Such rules shall conform to safety  
25 standards set forth in federal laws and regulations and shall  
26 conform, insofar as practicable, to the minimum standards  
27 for school buses recommended by the national conference on  
28 school transportation administered by the national commission  
29 on safety education and published by the national education  
30 association.

31 Sec. 6. Section 321.373, subsection 3, Code 2011, is amended  
32 to read as follows:

33 3. The rules prescribed for school buses shall include  
34 special rules for passenger automobiles, and other vehicles  
35 designed to carry eight or fewer pupils, when used as school

1 buses. This subsection shall not apply to vehicles governed by  
2 subsection 1.

3 Sec. 7. Section 321.376, Code 2011, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 3. The provisions of this section relating  
6 to a certificate of qualification and approved course of  
7 instruction shall not apply to a person operating a vehicle  
8 used to transport pupils to activity events pursuant to section  
9 321.1, subsection 69, paragraph "d".

10 Sec. 8. Section 321.379, Code 2011, is amended to read as  
11 follows:

12 **321.379 Violations.**

13 A school board, individual, or organization shall not  
14 purchase, construct, or contract for use, to transport pupils  
15 to or from school or school activities, any school bus or other  
16 vehicle used to transport pupils to activity events pursuant  
17 to section 321.1, subsection 69, paragraph "d", which does  
18 not comply with the minimum requirements of section 321.373  
19 pertaining to such bus or vehicle, and any individual, or any  
20 member or officer of such board or organization who authorizes,  
21 the purchase, construction, or contract for any such bus or  
22 vehicle not complying with these minimum requirements commits a  
23 simple misdemeanor.

24 **EXPLANATION**

25 This bill makes changes relating to vehicular transportation  
26 for students.

27 Current law provides that the school budget review committee  
28 may use transferred funds generated by fees for special  
29 registration plates with an education emblem pursuant to Code  
30 section 321.34(22) for the purposes of the committee. The bill  
31 authorizes the committee to contract for geospatial research on  
32 transportation issues affecting school district reorganization  
33 and school bus routing and to use the funds for that purpose.  
34 The bill strikes language requiring that the highest priority  
35 for such funds be given to school districts that meet certain

1 conditions.

2     The bill assigns to area education agencies the duty of  
3 initially reviewing transportation disputes between school  
4 districts and the authority to resolve such disputes. The bill  
5 requires the reviewing agency board to notify each affected  
6 local school board of its decision, and allows an affected  
7 school district to appeal a decision to the director of the  
8 department of education.

9     The bill provides that school-owned vehicles designed to  
10 carry not more than nine persons which are used to transport  
11 pupils to activity events in which students are participating  
12 must conform to minimum vehicle safety inspection standards for  
13 school buses as far as practicable and as set out by the state  
14 board of education by rule. The bill also provides that the  
15 drivers of such vehicles, whether school-owned or privately  
16 owned, are exempt from statutory requirements for a certificate  
17 of qualification and an approved course of instruction that  
18 apply to school bus drivers.

19     Current law provides that a school board, individual, or  
20 organization must not purchase, construct, or contract for  
21 use of a school bus that does not comply with minimum state  
22 standards. Current law provides that any person who authorizes  
23 such an action is guilty of a simple misdemeanor. The bill  
24 adds certain other vehicles used to transport students to  
25 school activities to those requirements. A simple misdemeanor  
26 is punishable by confinement for no more than 30 days or a fine  
27 of at least \$65 but not more than \$625 or by both.